

***IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION***

GREG RUMBAUGH, Individually & On Behalf of all Others Similarly Situated,	§	
	§	
Plaintiff,	§	
	§	
v.	§	No. 2:19-cv-00075
	§	
STATE FARM MUTUAL AUTOMOBILE INSURANCE CO.,	§	
	§	
Defendant.	§	

NOTICE OF DISMISSAL

TO THE HONORABLE UNITED STATES MAGISTRATE JUDGE:

COMES NOW, GREG RUMBAUGH, Individually & On Behalf of All Others Similarly Situated, and files this, Notice of Dismissal pursuant to Rule 41(a)(1), FED. R. CIV. P., and, in support thereof, would respectfully show unto the Court:

I.

Plaintiff filed his Original Complaint in this action on March 4, 2019. Defendant filed a Rule 12(b)(1) Motion to Dismiss for Lack of Jurisdiction on June 7, 2019. Defendant has not served an answer to Plaintiff's Original Complaint or a Motion for Summary Judgment. *Cf.* 41(a)(1), FED. R. CIV. P. Plaintiff has not previously dismissed any federal or state court action based on or including the claims asserted herein. *Id.* The Court has not certified a class for litigation or settlement purposes. *Id.* Pursuant to Rule 41(a)(1), FED. R. CIV. P., Plaintiff hereby moves the Court to dismiss this action without prejudice.

WHEREFORE, PREMISES CONSIDERED, GREG RUMBAUGH respectfully prays that the Court dismiss this case without prejudice. Plaintiff further prays for such other legal or equitable relief to which he may be justly entitled.

Respectfully submitted,

By: /s/ *James Holmes*
James A. Holmes (Attorney in Charge)
State Bar No. 00784290

THE LAW OFFICE OF JAMES HOLMES, P.C.

212 SOUTH MARSHALL
HENDERSON, TEXAS 75654
(903) 657-2800
(903) 657-2855 (fax)
jh@jamesholmeslaw.com

ATTORNEY FOR PLAINTIFF



OF COUNSEL:

Linda Dedman
State Bar No. 24007098

Dana Harbin
State Bar No. 00784211

DEDMAN LAW, PLLC

12720 Hillcrest Road, Suite 1045
Dallas, Texas 75230
(214) 361-8885
(214) 363-4902

CERTIFICATE OF CONFERENCE

I hereby certify that I have met and conferred with Mr. Wayne Mason, Counsel for State Farm Mutual Automobile Insurance Company regarding the foregoing matters. State Farm Mutual Automobile Insurance Co. does not oppose the relief sought herein.

/s/ James A. Holmes

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been served on **STATE FARM MUTUAL AUTOMOBILE INSURANCE CO.**, through its attorney of record, Mr. Wayne Mason, at DRINKER BIDDLE & REATH, LLP, 1717 Main Street, Suite 5400, Dallas, Texas 75201, on this, the 3rd day of December 2019, *via* the electronic filing system for the United States District Court for the Eastern District of Texas.

/s/ James A. Holmes